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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/449,907 12/02/99 SAKAMOTO

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EXAMINER
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Q12/0112  
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ART UNIT	PAPER NUMBER

3723

DATE MAILED:

01/12/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/449,907**

Applicant(s)

**Sakamoto et al**

Examiner

**Dung Van Nguyen**

Group Art Unit

**3723**



☒ Responsive to communication(s) filed on 18 Dec 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) 3 and 6 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 and 4 is/are rejected.

☒ Claim(s) 2 and 5 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. This communication is responsive to Response filed on 18 December 2000.

Claims 1-6 are pending.

### *Election/Restriction*

2. Claims 3 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

### *Drawings*

3. Figures 6, 7 and 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Amsden et al. Amsden et al disclose a polishing cloth 10 for chemically mechanically polishing a workpiece comprising polishing projections 14 having polishing faces arranged to come in contact with a workpiece for polishing the same, polishing agent passages 16, having bottoms, for introducing a polishing agent and one-stage step portions 19 formed between the polishing faces of the polishing projections and the bottoms of the polishing agent passages (note Fig. 1, col. 3, line 63 to col 4, line 31).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Nagahara et al in view of Amsden et al.

Nagahara et al disclose a chemical mechanical polishing apparatus 10 comprising a chemical mechanical polishing cloth 16 for chemically mechanically polishing a workpiece 12, a polishing head 26 for holding and rubbing a workpiece 12 with the chemical mechanical polishing cloth 16 and a polishing agent supply mechanism for supplying a polishing agent to the chemical mechanical polishing cloth 16 (note Fig. 1,

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2, col. 4, line 6 to col. 5, line 14). However, Nagahara et al do not disclose the chemical mechanical polishing cloth including polishing projections having polishing faces arranged to come in contact with a workpiece for polishing the same, polishing agent passages, having bottoms, for introducing a polishing agent and one-stage step portions formed between the polishing faces of the polishing projections and the bottoms of the polishing agent passages. Amsden et al disclose a polishing cloth 10 for chemically mechanically polishing a workpiece comprising polishing projections 14 having polishing faces arranged to come in contact with a workpiece for polishing the same, polishing agent passages 16, having bottoms, for introducing a polishing agent and one-stage step portions 19 formed between the polishing faces of the polishing projections and the bottoms of the polishing agent passages (note Fig. 1, col. 3, line 63 to col 4, line 31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Nagahara et al with the polishing cloth as disclosed by Amsden et al in order to efficiently and accurately polish highly finished workpiece.

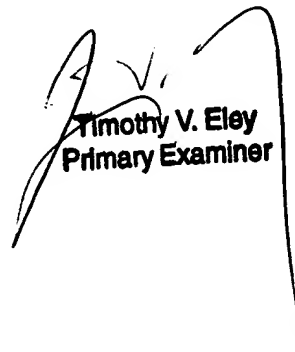
***Allowable Subject Matter***

8. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Van Nguyen whose telephone number is (703) 305-0036.

  
Timothy V. Eley  
Primary Examiner

DVN

January 8, 2001

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**  
*(November, 2000)*

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION**, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

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<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000)